

November 13, 2006

**The FACTS on the Animal Enterprise Terrorism Act (AETA)  
(H.R. 4239/S. 3880)**

Dear Colleague:

On September 30, 2006, the Senate approved S. 3880, the "Animal Enterprise Terrorism Act of 2006," by unanimous consent. S.3880 is the product of meticulous negotiations between the majority and minority members of both the Senate and House Judiciary Committees. However, some groups continue to circulate misleading information about AETA in hopes of preventing House passage. In order for Members to be able to respond to their constituents and remain confident in their continued support of this important bipartisan legislation, we have prepared the following statements in response to the primary criticisms still being circulated regarding the revised bill.

**Criticism #1 : AETA poses a threat to First Amendment rights.**

**FACT**

First Amendment activity is expressly excluded from the bill's coverage. The legislation includes a Rules of Construction which states: *"nothing in this section shall be construed - to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstrations) protected from legal prohibition by the First Amendment to the Constitution; to create new remedies for interference with activities protected by the free speech or free exercises clauses of the First Amendment to the Constitution, regardless of point of view expressed, or to limit any existing legal remedies for such interference."*

The American Civil Liberties Union (ACLU) expressed concerns with the original legislation, which were addressed in S. 3880, and the ACLU has now stated in a letter to Chairman Sensenbrenner and Ranking Member Conyers that it does not oppose S. 3880, despite minor criticisms.

**Criticism #2: AETA could make it illegal for citizens to boycott or encourage a boycott of a company that uses animals for research.**

**FACT**

Boycotts are specifically excluded in the bill. While the bill does base penalties on the level of economic damage caused by an activity, the activity must be illegal in order to be covered under the bill. The term "economic damages" does not include a "lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise." The term includes damages or losses that result from "threats, acts or (sic) vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise".

**Criticism #3: AETA was drafted carelessly and has not been properly debated in Congress.**

**FACT**

In the 109th Congress there have been three legislative hearings dedicated to this legislation. House and Senate Judiciary Committee staff spent months working with animal rights advocates to make changes to the legislation to accommodate their concerns. These changes included adding further First Amendment protections as well as adding language that ensures that all conduct that

may be prosecuted is intentional. This modified legislation has received wide bipartisan support in both the House and Senate.

**Criticism #4:** There is no need for AETA.

**FACT**

Between January of 1990 and June of 2004, extremist elements in animal rights organizations such as Animal Liberation Front (ALF), Stop Huntington Animal Cruelty (SHAC), and Earth Liberation Front (ELF) committed more than 1,100 acts of terrorism causing more than \$120 million in damages. The FBI considers such extremists activities among its most serious domestic threats. Officials from both the FBI and the DOJ have testified multiple times before Congress that current state and federal law is inadequate to address the threats and violent acts committed by animal rights extremists.

**Criticism #5:** AETA creates a new crime of terrorism designating animal rights protestors as terrorists.

**FACT**

AETA amends the existing "Animal Enterprise Terrorism" statute (18 U.S.C. 43), which has been law since 1992. It extends existing protections for animal enterprises to individuals, businesses and agencies, such as farmers, scientists, biomedical and biotechnology industries, research universities, teaching hospitals, financial institutions and others, who have associations with an animal enterprise. AETA is in response to rising incidences of violence and threats against these entities as a way to adversely impact animal enterprises without directly violating the existing Animal Enterprise Terrorism statute.

If you have any questions about this legislation or need more information, please contact Lindsay Bowers (Rep. Petri) at 5-2476 or Bobby Vassar (Rep. Scott) at 5-6739.

/s

Thomas E. Petri  
Member of Congress

/s

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Member of Congress